

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
DOCKET NO. 1:19-cv-00226-MOC-WCM

WILLIAM ORR,)	
)	
Plaintiff,)	
)	
Vs.)	ORDER
)	
U.S. EPA)	
U.S. DEPARTMENT OF INTERIOR)	
FRENCH BROAD ELECTRIC MEMBERSHIP)	
CORPORATION)	
U.S. FOREST SERVICE)	
JEFF LOVEN)	
U.S. FISH AND WILDLIFE SERVICE,)	
)	
Defendant.)	

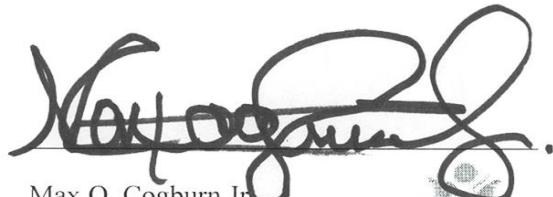
THIS MATTER is before the Court on Plaintiff Motion for Temporary Restraining Order (#3). Previously, the Court ordered a hearing to expedite consideration of this request given the time-sensitive nature of Plaintiff's motion, the recent nature of the alleged violation, and the gravity of the harm outlined in the pleadings. See Order (#8). A hearing was held on July 25, 2019, with counsel for all parties in attendance. In anticipation of the hearing, the Government filed a Responses in Opposition (#9), and French Broad Electric Membership Cooperative ("French Broad") filed a Response in Opposition (#11) and an Affidavit by General Manager Jeff Loven (#10). At the hearing, it was revealed that French Broad had completed its spraying of Mitchell County for the entire year. Given that Roan Mountain is in Mitchell County, Plaintiff is no longer in need of immediate relief because the action he sought to enjoin had already taken place. Plaintiff's motion is, therefore, moot and will be denied.

Having considered Plaintiff motion and reviewed the pleadings, the Court enters the following Order.

ORDER

IT IS, THEREFORE, ORDERED that Plaintiff Motion for Temporary Restraining Order (#3) is **DENIED**.

Signed: August 6, 2019


Max O. Cogburn Jr.
United States District Judge